

**BEFORE THE
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION**

In The Matter Of:

**DAVID A. SWENSON DBA SWENSON
CONSTRUCTION,**

Respondent.

**Docket No. FMCSA-2009-0215¹
(Midwestern Service Center)**

ORDER DISMISSING PROCEEDING AND CLOSING DOCKET

On August 21, 2009, the Field Administrator for the Federal Motor Carrier Safety Administration's Midwestern Service Center (Claimant) submitted a Notice of Settlement and Motion to Close Docket. Claimant and Respondent have entered into a Settlement Agreement which resolves the matters at issue here.

Under the Settlement Agreement, which was executed on August 19, 2009, and adopted as a Final Order,² Respondent agreed to pay \$1,519 in five consecutive monthly installment payments, with \$651 of the original civil penalty amount being suspended, conditioned upon: (1) successful compliance with 49 CFR Parts 391, 395 and 396 at the conclusion of any investigation conducted within 1 year from the execution of the Agreement; and (2) Respondent paying the non-suspended portion of the civil penalty in accordance with the terms of the Agreement.³ The settlement is in the public interest, and, accordingly, it is accepted.⁴

¹ The prior case number of this matter was MN-2009-0131-MN0662.

² Settlement Agreement, Paragraph 8.

³ The Notice of Claim originally proposed a civil penalty of \$2,170.

⁴ See 49 CFR 386.22.

THEREFORE, *It Is Hereby Ordered*, the Settlement Agreement is the Final Order
in this matter, the proceeding is dismissed and the docket is closed.



Rose A. McMurray
Assistant Administrator
Federal Motor Carrier Safety Administration


Date

CERTIFICATE OF SERVICE

This is to certify that on this 28 day of August, 2009, the undersigned mailed or delivered, as specified, the designated number of copies of the foregoing document to the persons listed below.

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